

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

IN RE  
**ORLANDO MIRANDA MELECIO**  
*DEBTOR(S)*

**CASE NO 09-10453(BKT)**  
**CHAPTER 13**

**DEBTORS' OBJECTION TO CLAIM FILED BY BANCO SANTANDER**  
**NOTICE AND CERTIFICATE OF SERVICE**

TO THE HONORABLE COURT:

COME(S) NOW Debtor(s) through their undersigned counsel and respectfully object to the Proof of Claim filed in this case by the above named creditor and in support hereof respectfully STATE and PRAY as follows:

1. This case was commenced by the filing of a petition with the Clerk of this court on **December 5, 2009**.
2. On January 26, 2010 **BANCO SANTANDER** filed a purported proof of claim number 11 in the instant case for \$270,193.06, of which 100% was claimed as Secured.
3. The debtor avers that claimant is not a secured creditor to his real property.
4. The claim form and attached documents, if any, do not satisfy the mandatory requirements of FRBP 3001(c). The Proof of Claim was not executed and filed in accordance with Rule 3001(c). Claimant's claim lacks prima facie validity.
5. The claim is not supported by written evidence of an enforceable agreement or a contract that establishes the debt between the debtor(s) and creditor, that is secured in nature.
6. The claim form is incomplete. The attachment to the proof of claim form, if any, does not qualify as an "account summary", nor does it include evidence of perfection of a security interest and is not sufficient to establish the prima facie validity of the proof of claim. The claim is without any evidentiary value and is unenforceable against the debtor(s) and the debtor(s)' property under any agreement or applicable law pursuant to 11 U.S.C. § 502(b)(1).

**WHEREFORE**, the Debtor(s) pray(s) from this Honorable Court to enter an Order as follows:

- A. Disallowing the Proof of Claim objected herein;
- B. Directing the Chapter 13 Trustee to strike the claim of **BANCO SANTANDER**;

C. Precluding **BANCO SANTANDER** from filing any amended, modified or substitute claim in this case;

D. Declaring that the underlying debt be canceled and forever discharged whether or not the debtor(s) receive their Discharge Order in this case; and

E. Ordering any further relief as the Honorable Court may deem just and proper.

**NOTICE TO CREDITORS AND PARTIES IN INTEREST**

Within **thirty (30)** days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R.Bank.P.9006 (f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the objection will be deemed unopposed and may be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the court, the interest of justice requires otherwise. If you file a timely response, the court may – in its discretion- schedule a hearing. LBR 3007-1.

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all CM/ECF participants, including the US Trustee, and the Chapter 13 Trustee.

**I FURTHER CERTIFY** to have sent a copy of the instant document via regular US mail to: **BANCO SANTANDER PO BOX 362589 San Juan PR 00936-2589.**

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this May 17, 2011.

**ALMEIDA & DÁVILA, P.S.C.**  
PO Box 191757  
San Juan, Puerto Rico 00919-1757  
Phone: (787) 722-2500  
Fax: (787) 722-2227

**S/ ENRIQUE M. ALMEIDA BERNAL**  
USDC-PR 217701  
Email: [ealmeida@almeidadavila.com](mailto:ealmeida@almeidadavila.com)

**S/ ZELMA DÁVILA CARRASQUILLO**  
USDC-PR 218913  
Email: [zdavila@almeidadavila.com](mailto:zdavila@almeidadavila.com)

*513-177 MIRANDA MELECIO, ORLANDO*